

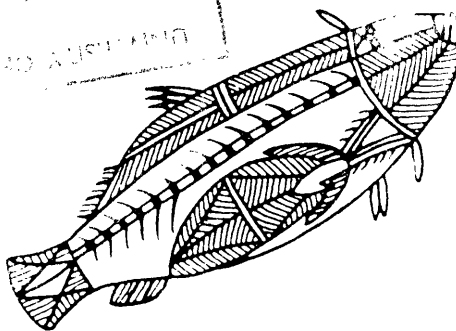
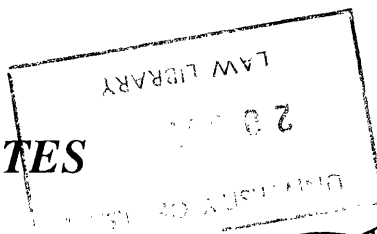
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## ABORIGINAL LAW NOTES

88/6

DECEMBER 1988

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### STOP PRESS

On 8 December 1988 the High Court of Australia gave judgment on plaintiff's demurrer in *Mabo v Queensland*. The sole question in the proceedings was the effect, if any, of the Queensland Coast Islands Declaratory Act 1985 (Qld) on the plaintiff's claim to traditional land rights. As Wilson J put it, "The Queensland Act purports to deny, retrospectively, the survival of those rights after the annexation and to exclude any question of compensation in respect of the loss of them". Brennan, Deane, Toohey and Gaudron JJ (Mason CJ, Wilson and Dawson JJ dissenting) held that the Queensland Act was invalid for inconsistency with s.10(1) of the Racial Discrimination Act, 1975 (Cth). The case to establish the continuance of traditional land rights can now proceed without regard to the Queensland Act.

(A more detailed Case Note will appear in the February issue of ALB).

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Also on 8 December, Aboriginal Land Commissioner, Olney J in the Northern Territory cleared the way for the long delayed Kenbi land claim to proceed. He decided that the 1978 town planning regulation extending the area of Darwin to encompass most of the claimed land was invalid on the basis that it was made for the improper purpose of defeating the land claim.

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### THE ABORIGINAL LAW CENTRE

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## **PUBLICATIONS RECEIVED**

### **REPORTS**

"The Potential of the Kakadu National Park Region". Report of the Senate Standing Committee on Environmental Recreation and the Arts, November 1988.

### **BOOKS**

**International Law and Aboriginal Human Rights.** Edited by Barbara Hocking, The Law Book Company, 1988, softcover, 195pp.

A stimulating collection of contributions compiled and edited from a conference held by the Aboriginal Treaty Committee at the Australian National University, Canberra, late 1983.

**200 Years in the Shade. An historical selection of cartoons about Aborigines.** Edited by David Swain, Collins Publishing Co Australia, 1988, softcover, 193pp. Based on an exhibition commissioned by John Pinder for the Melbourne International Comedy Festival.

The cartoons selected by David Swain for **200 In The Shade** destroy any notion that racial prejudice does not exist in this country. They illustrate the resentment, fear and ignorance which have characterised past attitudes of whites towards Aborigines as well as the recent trend towards a more sympathetic approach. The collection is both stimulating and disturbing. But are we allowed to laugh? 'Yes', says David Swain, 'but stop and think about what you are laughing at'.

David Swain is donating his royalties from this book to help finance cartoon workshops and courses for Aboriginal artists.

### **CONFERENCE PAPERS**

"Contemporary Issues in Aboriginal Studies: 2". Proceedings of the Second National Conference on Aboriginal Studies, Nepean College of Advanced Education, October 1987. Edited by Barry Wright, Daniel Moody and Leon Petchkovsky, Firebird Press, Sydney, 1988, softcover, 516pp.

Includes 35 papers on a wide variety of topics from cultural heritage to medical issues to literacy and education to welfare rights.

Selected Papers from the 6th Australian Law and Society Conference, November 1988 at La Trobe University, Melbourne. Presentations include those by Michael Mansell, Henry Reynolds and Valerie Kerruish.

### **JOURNALS**

Australian Aboriginal Studies, 1988 No. 2. Journal of the Australian Institute of Aboriginal Studies. Special Features - Plants and Pre history.

### **VIDEOS**

**40,000 Years Isn't a Bicentenary** - Land Rights, Aboriginal Hopes and a way forward.

**People of the Dreamtime** - Aboriginal spirit and meaning in Australia today featuring the art of Miriam Rose Ungunmerr-Baumann.

**The Good News & The Bad News** - Aborigines and Church Missions: legacy and future.

COST: \$50 each video

AVAILABLE FROM: Albert Street Productions, 18 Brunswick Street, Fitzroy Vic 3065

The University of New South Wales



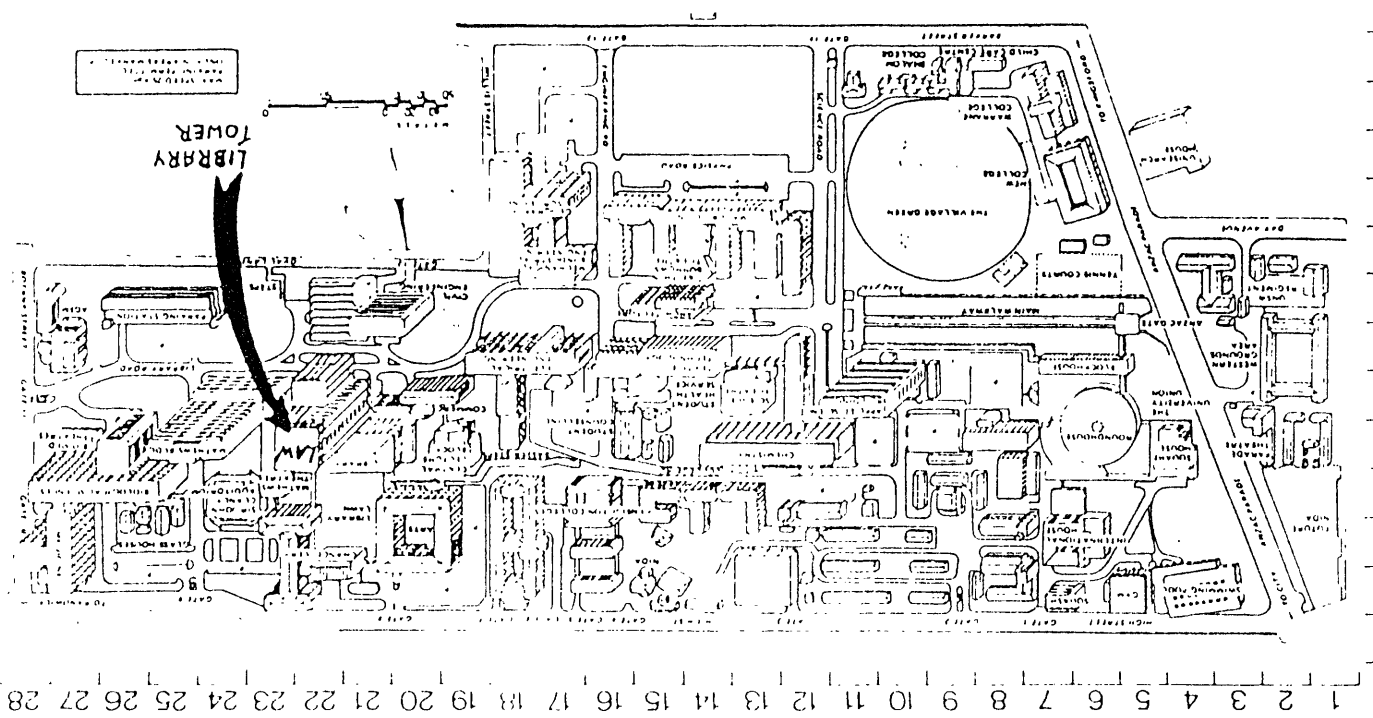
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ABORIGINAL PEOPLES AND TREATIES

11 FEBRUARY 1989



## REGISTRATION FORM

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THE UNIVERSITY OF NEW SOUTH WALES

### SEMINAR

## ABORIGINAL PEOPLES AND TREATIES

11 FEBRUARY 1989

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## ABORIGINAL PEOPLES AND TREATIES

organized by the Aboriginal Law Centre,  
University of New South Wales  
in conjunction with  
the International Law Association, Australian Branch

9.30am - 5.00pm, Saturday 11 February 1989

Hal Wootten Moot Court, Law School  
Level 10, Library Tower, University of New South Wales

The purpose of the seminar is to bring together representatives of Aboriginal organizations, international lawyers and others to share information and ideas on a number of contemporary developments.

In the international arena, the International Labour Organization (ILO) is proceeding towards revision of Convention No. 107, a process that is expected to conclude at the ILO Conference in Geneva in June 1989. At the same time, the UN's Working Group on Indigenous Populations has commenced the drafting of a Universal Declaration on Indigenous Rights, a process that will continue in Geneva in July - August 1989. Australian representatives have been active participants in both processes.

Some of the key issues being grappled with in these Geneva processes include self-determination, self-government, autonomy, control over territory and resources, and cultural integrity.

Treaties on Aboriginal rights are also significant at the national level. The UN Working Group has, itself, embarked on a study of such treaties. In Canada, treaties were given constitutional status in 1982. In New Zealand, the Treaty of Waitangi has been given a new lease of life on a statutory, not constitutional, basis. In Australia, the Hawke Government has committed itself to negotiate a treaty with Aboriginal and Torres Strait Islander peoples.

9.30am - 11.00am	Revision of ILO Convention No. 107 Coffee
11.30am - 1.00pm	UN Working Group - Draft Universal on Indigenous Rights
1.00 - 2.00pm	Lunch
2.00 - 3.30pm	The Australian Treaty Proposal
3.30 - 4.00pm	Coffee
4.00 - 5.00	Discussion and Closing

The sessions will take the form of an initial presentation by key note speakers opening up to discussion from the floor.

Participants will include representatives of the National Coalition of Aboriginal Organizations, National Aboriginal and Islander Legal Services Secretariat (NAILSS), key unions and employer organizations, the Commonwealth Government and leading legal experts.

Venue:	see the attached map. Cars can enter via Barker Street, Gate 14 (map reference N11). The Library Tower is at map reference F22. There is ample parking (G24-26).
Registration:	\$50* includes background papers, lunch and refreshments.
Inquiries:	Moir Milne Faculty of Law The University of New South Wales PO Box 1, Kensington, NSW 2033 Tel: 697.2267

\* It may be possible in cases of financial difficulty to reduce or waive the fee for the seminar - contact Aboriginal Law Centre 697.2252.

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